

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

JIMMY QUIROZ BALDWIN
also known as
Calamaco,
Defendant.

CRIMINAL FILE NO.

1:08-CR-363-12-TWT

ORDER

This is a criminal action. It is before the Court on the Report and Recommendation [Doc. 823] of the Magistrate Judge recommending dismissing the Defendant's Motion to Vacate Sentence [Doc. 820] for failure of the Defendant to obtain permission of the Court of Appeals to file a second motion to vacate sentence. Neither *Dean* nor *Johnson* states a new rule of constitutional law that is applicable to the Defendant's case. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Defendant's Motion to Vacate Sentence [Doc. 820] is DENIED. No Certificate of Appealability will be issued.

SO ORDERED, this 23 day of August, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge